

July 29, 2010
NOTICE OF PROPOSED RULES CHANGES
TO THE LOCAL RULES OF THE 10TH JUDICIAL DISTRICT
Including Local Rules of Court for the Circuit, Chancery & Criminal Courts
(Bradley, McMinn, Monroe and Polk Counties)

Pursuant to The Tennessee Supreme Court Rule 18, the judges of the judicial district shall solicit and consider input from members of the public and attorneys concerning the proposed Local Rules or amendments. The presiding judge of the judicial district shall cause the rules to be printed and made available to members of the public and to attorneys and shall file the rules with the administrative director of the courts not less than thirty (30) days prior to the effective date.

The proposed rule amendments and/or additions are as follows:

- *Proposed addition of new Local Rule 2.08**
- *Proposed amendment to Local Rule 13.01**
- *Proposed amendment to Local Rule 13.03**
- *Proposed addition of new Local Rule 17.07**

Proposed New Rule 2.08 - PLEADINGS AND ATTORNEYS OF RECORD

2.08 Redaction of Confidential Information in Pleadings

Unless the court orders otherwise, in pleadings filed with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, or any other information deemed confidential under Tennessee law, a party or nonparty making the filing shall not include information deemed confidential under Tennessee or federal law without redaction or filing the pleading under seal. In the effort to redact the pleading, it may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

The redaction requirement does not apply to the following:

- (1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative or agency proceeding;
- (3) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- (4) a filing that is made under seal

Current Rule 13.01 - ORDERS IN CIVIL CASES

13.01 Judge's Name and Hearing Date.

All orders in civil cases shall contain the name of the judge who heard the case or who is to sign the order, as well as the hearing date, and the date each attorney approves the order for entry.

ADD THE FOLLOWING PARAGRAPH:

When submitting orders for approval counsel's correspondence to the court and other counsel shall be sent in a manner that anticipates simultaneous receipt by the court and counsel. (For example hand delivery to the court requires a fax or email to opposing counsel when hand delivery to opposing counsel is not feasible.)

Delete Current Rule 13.03 and substitute Proposed Amended Local Rule 13.03

ACTION BY OPPOSING COUNSEL AND COURT

Within ten (10) days of receipt of the proposed order, non-prevailing counsel shall either approve (and date the approval) and submit the order to the judge or chancellor for entry in accord with T.R.Civ.P. 58 or, if no order has been proposed by prevailing counsel, the non-prevailing counsel shall submit an order to opposing counsel and the court for approval. Once 10 days from hearing has passed and no agreed order has resulted from utilization of the procedures under this rule, either party may submit their proposed order to the court and the other party noting areas of disagreement and may initiate a telephone conference with all counsel and the court to resolve differences about the order.

Nothing in this rule shall limit the authority of the court to draw its own order or to enter an order submitted by a party in any case at any time the court is satisfied the order reflects the court's ruling and complies with Rule 58 of the Tennessee Rules of Civil Procedure.

The court upon receiving a proposed order from only one counsel may give opposing counsel five days to submit a competing order to the court.

Proposed New Rule 17.07 - BAIL BOND COMPANIES

Where the collateral pledged by a bondsman to underwrite bonds or to increase the bondsman's capacity is equity in real estate, the encumbered property must be situated in the county where the bondsman is pledging the collateral.